GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Tribal Welfare Department– Appeal Petition filed by Sri Cheepinapi Venkaiah S/o Venkata Swamy, Occ: Postal Assistant, Perala Sub-Post Office, Chirala Mandal, Prakasam District, against the proceedings Rc.No.C4/557/2007, dated 25.02.2014 of the District Collector, Prakasam - under section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No. 16/1993) – Appeal Petition dismissed – Orders- Issued.

TRIBAL WELFARE (CV2) DEPARTMENT

G.O.MS.No. 77 **Dated: 10-06-2016**

Read the following:

1. Proceedings of the District Collector, Prakasam District, Rc.No.C4/557/2007, dated 25.02.2014.
2. Appeal Petition filed by Sri Cheepinapi Venkaia S/oVenkata Swamy, Occ: Postal Assistant, Perala Sub-Post Office, Chirala Town, Chirala Mandal, Prakasam District, dt.02.04.2014.
3. Govt. Memo No. 4310/CV.2/2014, S.W(CV.2) Department, dated 11.04.2014.
4. Order of the Hon'ble High Court of A.P., Hyderaba in W.P. 10458/2014, dated 06.04.2015.
5. From the District Collector, Prakasam Letter. Rc. C4/405/2014, dated 15.09.2014.
6. Govt.Memo.No.4310/CV2/2014,T.W(CV.2Department dated 10.04.2015 & 22.05.2015.

ORDER:

In the reference 1st read above the District Collector, Prakasam has issued orders canceling ST- Yerukula Caste Certificate obtained from the then Tahsildar, Ongole on 2004 by Sri Cheepinapi Venkaiah S/o Venkata Swamy, Prakasam District.

2. In the reference 2nd read above, Sri Cheepinapi Venkaiah S/o Venkata Swamy has filed an Appeal Petition before the Government against the Proceedings of the District Collector, Prakasam. After examination, Government have admitted the said Appeal Petition and called for the parawise remarks and connected records from the District Collector, Prakasam in the reference 3rd read above.

3. Sri Cheepinapi Venkaiah S/o Venkata Swamy has filed W.P. No. 10458/2014 before the Hon'ble High Court, against the said proceedings of the District Collector, Prakasam. In the reference 4th read above, the Hon'ble High Court of Andhra Pradesh, while disposing the said WP on 06.04.2015 has granted interim direction on 04.04.2014 to Chief Post Master General, A.P., Circle, Hyderabad and the Senior Superintendent of Post Offices, Prakasam Division, Ongole not to take any coercive action against the petitioner including disciplinary action and deem it appropriate to continue the same, till disposal of the appeal by the Government.

4. In the reference 5th read above, the District Collector, Prakasam has furnished the Parawise remarks and connected records on the said Appeal Petition filed by Sri Cheepinapi Venkaiah S/o Venkata Swamy, Prakasam District.

5. The said Appeal Petition has been posted for hearing on 23.05.2015 & finally on 13.06.2015 and the same has been informed to the Appellant and the Counsel for the Appellant and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no claim what-so-ever in the matter and it will be decided based on the material available with the Government in the references 6th read above.

[P.T.O]

6. During the hearing of both the sides and on perusal of the records/ the copies of evidences/academic record/ grounds filed by the appellant / the parawise remarks submitted by the District Collector, Prakasam and proceedings of the District Collector, Prakasam dated 14.07.2004, the following points on the ST-Yerukula community claim of Sri Cheepinapi Venkaiah have observed by the Appellate Authority:

I. The Appellant has claimed that his parents belong to ST-Yerukula Community and they were eking out their livelihood by doing the traditional works of Yerukula community i.e. manufacturing household goods such as baskets and mattresses from a bamboo wood and eeta chettu leaves. His caste was recorded as ST-Yerukula community as per School Records.

II. As per the report of the Tahsildar, Chirala, his wife belongs to Kummari (BC) and his brother also married in Kummari caste. The surname of Cheepinapi generally appears in “Kummari” caste.

III. During enquiry in DLSC it has been established that while issuing caste certificate to the individual, the then Mandal Revenue Officer, Ongole has not enquired properly and all the caste certificates issued to the individual basing on school records only. Proper enquiry has not been conducted by the MRO Ongole at the time of issue of ‘Caste Certificate’. He or his parents are not following the culture and traditions of Yerukula caste. He did not know the language of Yerukalas. He did not know from where his father and mother migrated. He did not know about his forefathers.

IV. The Petitioner(complainant) before the Primary Authority Sri N. Mohan Kumar Darma, State Vice President, Erukala Hakkula Porata Samiti, in his statement dt.19.5.2007 before the D.L.S.C stated that Sri Chandaluri Venkaiah S/o Venkataswamy originally belongs to Kummari community but, obtained Yerukala-ST caste certificate, get the job and working as Clark in Head Post Office, Chirala. He also stated he is the native of Ongole Town and his brother and uncle are residing in Inkollu and they belongs to Yadava caste.

V. Under section 6(3) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No.16/1993) the burden of proof lies on the Appellant only.

7. Further it is also observed that the Appellant has not produced any relevant documents/material in support of his ST-Yerukula community claim before the Appellate Authority at the time of hearing except school record, which is generated based on declaration given by the parents. Hence it can be held that mere school certificates cannot be accepted as reflection of true caste of person. Further there is no evidence that the Appellant belongs to ST-Yerukula Community and the appellant failed to produce any evidence even though lot of opportunity was given to his even by the Government. Further the Appellant have failed to prove that his grandparents, parents or any relatives belong to ST-Yerukula community. He is not aware of his culture, traditions and customs of Yerukula Community and he does not know his parents migrated from which area. Thus the old evidence of appellant is self defeating. The burden on the appellant U/S 6 is not discharged. Hence Government have examined the entire record & material relevant to the instant case and it is decided that the appellant obtained caste certificate fraudulently and the Appellant has no iota of evidence to show that his grandparents, parents or any relatives belong to ST-Yerukula community. Hence it is apparent that the appeal is devoid of any merits and there is no infirmity found either in the order of the learned DLSC or the District Collector, Prakasam.

8. The Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes)

[Contd…]

Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), decided that the Appeal Petition filed by Sri Cheepinapi Venkaiah S/o Venkata Swamy does not deserve any interference. Hence, Proceedings of the District Collector, Prakasam issued vide Rc.No.C4/557/2007, dated 25.02.2014, is hereby upheld and the Appeal Petition filed by Sri Cheepinapi Venkaiah S/o Venkata Swamy is hereby dismissed and the Certificate issued by the then Tahsildar, Ongole deemed to be cancelled.

9. Consequently, the District Collector, Prakasam shall take necessary action in the matter.

10. The records (containing Rc.No.C4/557/2007, dated 25.02.2014, pages 1-183 cf & 1-29 nf) received from District Collector, Prakasam through in the reference 5th read above, are returned herewith in original to District Collector, Prakasam and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R.P.SISODIA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The District Collector , Prakasam
(with original records)

Sri Cheepinapi Venkaiah S/o Venkata Swamy,
Occ: Postal Assistant, Perala Sub-Post Office,
Chirala Town, Chirala Mandal, Prakasam.
Cell no: 9441849145

Sri Ramesh Vodnala,Advocate,
SRT 28, Jawahar Nagar, Musheerabad,
Hyderabad-20.

Copy to:

The Head Postmaster,
Head Post Office, Chirala Town & Mandal
Prakasam Dist..

The Director, TCR& TI, AP, Hyderabad.
P.S. to Hon'ble Minister(SWE&TWE)
P.S. to Principal Secretary(TW)

// FORWARDED:: BY ORDER //

SECTION OFFICER